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CASES ON CONSTITUTIONAL LAW. With Notes. By James Bradley Thayer, LL.D., Weld Professor of Law at Harvard University. Cambridge: Charles W. Sever. 1894. 8vo. Part I., pp. xi, 1-448. Part II., pp. ix., 449-944.

ILLUSTRATIVE CRIMINAL CASES. By Joseph Henry Beale, Assistant Professor of Law in Harvard University. Cambridge: The Harvard Law Review Publishing Association. 1894. Octavo, pp. 197.

These two widely different books are, when taken together, strong evidence of the catholic nature of the case system, — evidence that it is not a trick of times and men, but a method capable of almost as many different uses as there are ways of good teaching. Professor Beale's book may be dismissed with this word, being only a selection of eighty or so of the more important criminal cases, designed to be a case-book for those students who have little time to give to the study of this subject, and well suited to put the necessary principles before them.

Professor Thayer's are perhaps the most elaborate of all the case-books. Here, not content with the selection and condensation of the cases, he has taken case, treatise, and tract, and welded them together into a book which, with all the advantages of the case system, is yet almost like a text-book in its continuity and fulness. This is especially true of Part I., which is designed to be complete in itself as an answer to the question, What is a Constitution? so that besides the American discussions of rigid, skeleton-like instruments, it contains material collected from every source apt to illustrate the study of systems of fundamental law. It seems more than likely that this Part will be used outside of law schools in the more academic study of Constitutional Law, such, for instance, as goes on college courses in United States History.

Part II. contains Chapter IV. on the later amendments and fundamental civil rights, and Chapter V. on "Unclassified Legislative Power, — the so-called Police Power." Part III. is announced to appear in the early, and Part IV. in the late autumn.

Next after the brevity which has been secured in a subject usually so diffusely treated, the noteworthy thing in the selections is the fact that they are thoroughly readable; the cases are not considerations of the technical doctrines of law, but treatises on politics in the old and best sense of the word, and they are interesting to any one who wants to know about government, as well as to those who look at its legal side.

R. W. H.

JURIDICAL EQUITY ABRIDGED, FOR THE USE OF STUDENTS. By Charles E. Phelps, Professor of Juridical Equity in the University of Maryland, and Associate Judge of the Supreme Bench of Baltimore. Baltimore: M. Curlander, 1894. 8vo. pp. xxxii., 373.

One cannot but be prepossessed in favor of this book by the modest disclaimer of the preface, where the author says: "It does not profess to be an exhaustive treatise. It does not offer to compete with any existing work. It may be called a horn-book, nothing more." As an introduction to the fuller treatises of Adams, Pomeroy, or Story, the work in question has marked merits; and this is especially true of Part II., on Equity Jurisprudence. Much of it is written with a due sense of proportion, — all topics not being treated as of equal importance. It is unconventional. The author speaks in his own words, and with no uncertain

sound. It is not overweighted by reverence for previous commentators, however distinguished. With Judge Phelps, the name of Sir William Blackstone is not a match for the conclusions of common-sense. While, in solid weight of contents, the book may be inferior to some other elementary treatises on the same subject, it has the great merit of "readableness." The writer has "the art of putting things" in a form likely to be both read and remembered. Witness his comparison of the Court of Chancery, *tempore* Eldon, to "a ship built for high speed, with engines of enormous power and corresponding appetite, but so fouled with barnacles and weeds as to be slow beyond endurance."

There is room to differ from Judge Phelps upon the question what is the most important distinction between the methods of equity and law. He names the absence of a jury; while Professor Langdell emphasizes the rule that equity acts *in personam*. (Compare sections 22, 142, and 221).

In a book "designed primarily for the Maryland law student," it is not to be wondered at that many details of procedure should be given, or that some of those details should differ from the practice in other jurisdictions. But the value of the book to students at large is thus somewhat impaired; and there is, to some extent, a failure to give special prominence to the salient points common to equity procedure everywhere. However, after making all reasonable allowance for defects, this work cannot fail to prove a serviceable First Book in Equity.

J. S.

THE CRIMINAL CODE OF CANADA. By James Crankshaw, B. C. L. Montreal: Whiteford & Theoret. 8vo. pp. lxxxviii., 976. 1894.

This volume is designed to present in a popular manner a full general view of the criminal law and criminal procedure under the Canadian Code. There is very little that is original in the book. In fact, it is not much more than a collection of well-selected extracts from the standard text-books and important decisions, with numerous abstracts of cases to furnish illustrations, so arranged under appropriate sections as to constitute as far as may be a continuous discussion of the Code. Mr. Crankshaw has added nothing new to the learning on the criminal law, and has been content simply to present the views of others. The volume, nevertheless, is of value in furnishing a more ready reference to the authorities with respect to the new system, and must be commended for its skilful and attractive arrangement of the material of others.

The most interesting part of the book is the Code itself. It was founded on the English Draft Code of 1880, which was the last of the many efforts, beginning as early as 1833, to codify the criminal law in England. The work of the Canadian Parliament was therefore comparatively easy, and how much the legislators were indebted to the mother country may be gathered from the instructive reports of the House Debates on the Code given at some length in the appendix of Mr. Crankshaw's volume. The Code has made several important changes in the common law. It abolished the distinction between principals and accessories before the fact, discontinued the use of those technical words "malice" and "maliciously," substituted the word "theft" as a general term to comprise all acts of fraudulent taking and of fraudulent conversion, misappropriation, and breach of trust, and put an end to the arbitrary distinction between felonies and misdemeanors. In view of the fact that codification of